IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE D.S.R. VARMA

-

WRIT PETITION NO : 17993 of 1999

Between:

M/s. Meenakshi Industries,

19-1-874/4, Bahadurpura, Hyderabad,

represented by its Proprietor Shri lakshminarayana Goel.

..... PETITIONER

AND

1. The General Manager, District Industries Centre, Mahaboobnagar.

2. The Director of Industries, Andhra Pradesh, Chirag Ali lane, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, direction or order especially one in the nature of mandamus requiring the first respondent to transfer the Central Subsidy Registration Certificate in favour of the Petitioner in pursuance of the representation dated 18-12-1989 made by the petitioner.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: G.P. for Industries

The Court made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.17993 OF 1989

ORAL ORDER:

Heard both sides.

2. This writ petition is filed requiring the first respondent to transfer the Central Subsidy Registration Certificate in favour of the petitioner in pursuance of the representation, dated 18-12-1989, made by the petitioner.

3. The case of the petitioner is that he purchased a unit in an auction conducted by the Andhra Pradesh State Financial Corporation. It appears that at that particular point of time, there was a scheme formulated by the Central Government by name Central Subsidy Registration Scheme, 1971, as per which 15% of the capital

investment would be given as subsidy. The said benefit of subsidy was denied to the petitioner even though a representation, dated 18-12-1989, had also been made.

4. In the counter-affidavit, filed by the respondents, it is stated that the said policy is not extendable to those industries, which were purchased under auction from the Andhra Pradesh State Financial Corporation, and inasmuch as the petitioner's unit was a sick industry.

5. Admittedly, the decision taken by the respondents is purely a policy decision, in which case this Court cannot exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

6. Further, it is not known as to whether after a lapse of more than one and half decades, the cause of action would survive or not. No information whatsoever is forthcoming from either side in this regard.

7. However, having regard to the above policy decision of the respondents, the writ petition is devoid of merits and is liable to be dismissed.

7. In the result, the writ petition is dismissed. However, there shall be no order as to costs.

8. The interim direction granted by this Court in W.P.M.P.No.23857 of 1989, dated 27-12-1989, is hereby vacated.

D.S.R.VARMA, J

25TH NOVEMBER 2004

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager, District Industries Centre, Mahaboobnagar.

2. The Director of Industries, Andhra Pradesh, Chirag Ali lane, Hyderabad.

3. Two CCs to G.P. for Industries, High Court Buildings, Hyderabad (OUT).

4. Two 2CD copies.